

ANTITRUST SYMPOSIUM

INTRODUCTION

The six articles comprising this Symposium were presented at the Sixth Annual Antitrust Institute of the Ohio Bar Association held in Columbus in November of 1972. The Symposium deals with the practical problems in the field of antitrust litigation, from the initial decisions involved in organizing or opposing a class action to the effect of consent orders and the advisability of settlement. Because the authors of these articles include representatives of plaintiff's bar, defendant's bar, and the Antitrust Division of the Department of Justice, the perspective from which they analyze the problems of antitrust litigation are quite varied.

The strategical considerations and tactics of a skilled defense attorney are of practical utility to others besides fellow defense attorneys. Mr. Alan Arnold suggests in the second article that an attorney undertaking to represent a plaintiff in an antitrust suit might be well advised to employ a set of interrogatories, filed by a good defense attorney, in interviewing his own client. Although the benefits from opposing counsel will perhaps not typically be of such a tangible nature, it is likely that an attorney representing either side in an antitrust action will profit from an understanding of the considerations and options available to the opposing counsel.

The first article by Mr. Murray S. Monroe provides an overview of the different forms of action available to the victim of an antitrust violation including the availability of class action proceedings. It is followed by Mr. Arnold's practical catalogue of advice for the attorney, from the moment a client first intimates that he has the basis for an antitrust suit. Mr. Arnold's advice includes an analysis of the problems of organizing a multi-plaintiff action and suggestions as to various methods of obtaining information. The opportunities for the private litigant to avail himself of information developed in a government proceeding are discussed in greater detail in the article by Carl Steinhouse, former Chief of the Great Lakes Field Office of the Antitrust Division, Department of Justice.

The fourth article provides a very different perspective. Mr. John F. McClatchey discusses the job of the defense attorney in a private antitrust suit and analyzes the considerations which should be foremost in an attorney's mind in determining such matters as whether to oppose a class action, whether to attempt a settlement, and how to co-operate with co-defendants.

The last two articles are also written by experienced antitrust defense attorneys. Mr. Walter A. Bates analyzes the approaches taken by various

courts in awarding remedies in recent antitrust actions. Finally Mr. Robert F. Dobbin discusses the procedures for achieving a settlement in a class type action.